

Customer No. 25280

Case No. 5019

REMARKS35 USC Section 102 Rejection:

Claims 17 – 22 and 24 – 32 were rejected under 35 U.S.C. 102(a) as being anticipated by Yokozeki et al. (US 5,981,063).

Applicants have amended independent claim 17 to include the limitation that the binder material is selected from the group consisting of melamine-formaldehyde resins, acrylic resins, polyvinyl chloride/vinyl copolymers, and mixtures thereof. Support for this amendment is found in the specification beginning with the last paragraph on page 13. Further support is also found in the "Description of the Preferred Embodiments," which begins on page 14. See, for example, the last paragraph on page 15, which discloses melamine formaldehyde, PVC/vinyl copolymer and PVC/acrylic binder materials.

Applicants respectfully submit that Yokozeki fails to disclose a binder material selected from the group consisting of melamine-formaldehyde resins, acrylic resins, polyvinyl chloride/vinyl copolymers, and mixtures thereof. Rather, with regard to binder materials, Yokozeki discloses:

"...the metal ion-holding inorganic particles may be allowed to be contained in a fiber, or may be deposited on a fiber by using a binder (e.g. an adhesive resin) so that they do not detach" (col. 3, lines 41 – 43).

Customer No. 25280

Case No. 5019

Yokozeki further discloses:

"..when a natural fiber is used as the fiber, it is preferable to deposit a pyroelectric substance and/or metal ion-holding inorganic particles on the natural fiber by the use of a binder (e.g. as an adhesive resin) because, as mentioned previously, it is difficult to allow the substance and the particles to be contained in the natural fiber" (col. 7, lines 38 – 44).

These two citations are the only teachings by Yokozeki of the use of a binder material. Yokozeki fails to teach any specific binders. None are disclosed in Examples 1 – 8, and none are disclosed in Comparative Examples 1 – 9. Thus, while Yokozeki discloses the use of a binder for natural fibers, the reference fails to provide any teaching of specific binder materials which may be employed.

In contrast, Applicants have claimed certain binder materials which were determined to provide the desired wash durability and antimicrobial effectiveness to the treated substrate. Applicants disclose, on page 12 of the specification, that three very specific criteria must be met by the binder material in order for it to function as part of the finish of the current invention. Briefly, these criteria are: (a) the binder must not be readily soluble in water; (b) the binder must not be susceptible to attack by standard and/or industrial detergents, solvents, and/or bleaches; and (c) the binder must not melt upon exposure to drying temperatures. Applicants respectfully submit that Yokozeki fails to disclose a binder material that exhibits these features and further submit that Yokozeki fails to provide any examples of binder materials whatsoever.

Thus, since Yokozeki fails to teach each and every limitation of Applicants' currently claimed invention, reconsideration and withdrawal of this rejection is respectfully requested.

Customer No. 25280

Case No. 5019

Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance.

Should any issues remain after consideration of these Amendment and Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

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Respectfully submitted,



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